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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/070,824 | 03/11/2002 | Peter Bretschneider | 4001-1025 | 2878 |

466 7590 10/04/2003

YOUNG & THOMPSON
745 SOUTH 23RD STREET 2ND FLOOR
ARLINGTON, VA 22202

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| EXAMINER |
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MILLER, JONATHAN R

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| ART UNIT | PAPER NUMBER |
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3653

DATE MAILED: 10/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/070,824

Applicant(s)

BRETSCHNEIDER ET AL.

Examiner

Jonathan R. Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 19-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 19-27 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Drawings

1. Figures 1 - 3 and 6 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance. In the description of the drawings, figs. 1 - 3 and 6 are described as being prior art.

Specification

2. The disclosure is objected to because of the following informalities: throughout the specification reference is made to claims 1 and 6, however, presently there are no claims 1 and 6; there is no brief description of Figs. 8a - 8d;

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 19-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 19 recites the limitation "the recipient addresses" in line 3; recites the limitation "the direct or indirect address information" in lines 6 and 7; recites the limitation "the two depositing-receptacle groups" in the last line. There are insufficient antecedent bases for these limitations in the claim.

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6. Claim 20 recites the limitation "the current address area" in lines 2 and 3; recites the limitation "the preceding address area" in line 4. There are insufficient antecedent bases for these limitations in the claim.

7. Claim 21 recites the limitation "the loading location" in line 2; recites the limitation "the defined movement range" in the last line. There are insufficient antecedent bases for these limitations in the claim.

8. Claim 21 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 21 recites "without any loading delay". Examiner contends that this is not possible as there, inherently, must be some delay.

9. Claim 22 recites the limitation "the non-sorted items of mail" in line 2; recites the limitation "the empty containers" in line 3; recites the limitation "the same address area" in line 4; recites the limitation "the still empty containers" in line 5; recites the limitation "the lower place numbers" in line 11; recites the limitation "the higher assigned place numbers" in the last line. There are insufficient antecedent bases for these limitations in the claim.

10. Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. What is "their" referring to in line 8?

11. Claim 23 recites the limitation "the current address area" in line 2; recites the limitation "the preceding address area" in line 4. There are insufficient antecedent bases for these limitations in the claim.

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12. Claim 24 recites the limitation "the direct or indirect address information" in line 6; recites the limitation "the two depositing-receptacle groups" in the last line. There is insufficient antecedent basis for this limitation in the claim.

13. Claim 25 recites the limitation "the current address area" in line 2; recites the limitation "the preceding address area" in line 4. There are insufficient antecedent bases for these limitations in the claim.

14. Claim 26 recites the limitation "the non-sorted items of mail" in line 2; recites the limitation "the empty containers" in line 3; recites the limitation "the same address area" in line 4; recites the limitation "the still empty containers" in line 5; recites the limitation "the lower place numbers" in line 11; recites the limitation "the higher assigned place numbers" in the last line. There are insufficient antecedent bases for these limitations in the claim.

15. Claim 27 recites the limitation "the current address area" in line 2; recites the limitation "the preceding address area" in line 4. There are insufficient antecedent bases for these limitations in the claim.

Claim Objections

16. Claims 22 and 26 are objected to because of the following informalities: "non□sorted" should be "non-sorted". Appropriate correction is required.

Claim Rejections - 35 USC § 102

17. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

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international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.


18. Claim 19 – 27 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Jones et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan R. Miller whose telephone number is (703) 305-5778. The examiner can normally be reached on M-F: 8:30AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Donald P. Walsh can be reached on (703) 306-4173. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

jrm


DONALD P. WALSH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600